

Note: this is a second attempt to send this comment, since I had no confirmation of the first.

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docket # 04-232

To the Commission:

I am the Vice President and General Manager of WVNR-AM and WNYV-FM, an independent combo on the Vermont-New York border. We are a live station - no computers or satellite feeds.

Most of our programming is locally generated, and we simulcast the same programming on both stations except for a few local meetings and local high school sports. We are currently working on finding the money to first: broadcast 24 hours, and second: split the stations into two separate ones.

Local programming includes a 40 minute interview show weekdays, extensive coverage of local high school sports, a lively morning entertainment show, hourly news including local news, weather four times an hour, coverage of selected local events and meetings, weekly visit to one of our many small communities, varied music programming, religion and special music programs on Sunday, live announcers, and extensive community announcements. And more.

I am writing about the proposed rulemaking which would require broadcast stations to record all programs aired between 6 AM and 10 PM.

OUR STARTUP COSTS for a cassette system (easiest, cheapest, fastest, and least intrusive) would be as follows:

Cassettes-  
takes 10-90 minute cassettes per day times 90 days  
equals 900 cassettes times .65 per cassette  
(for low quality in lots of 100 - replace every 2 years) \$585.00  
Labels - 2 packs of 450 per pack \$ 40.00  
Plus a cassette recorder that would last about 2 years when used  
continually - \$150.00 to (every 2 years) \$200.00  
Plus the engineer's time to wire it in somewhere - Minimum  
about \$250.00 for four hours plus travel (estimated time  
for cassette installation 1-1/2 hours) \$250.00

TOTAL \$1075.00

ONGOING EXPENSES per year would include the following:

One half cost of cassettes \$ 292.50  
One half cost of recorder \$ 100.00  
Typing labels so you know which one you have (should be done  
ahead to prevent mistakes) 3 hours @ minimum  
(\$7.00 per hour starting January 1, 2005) \$ 84.00  
Labels - 2 packs of 450 every 90 days \$ 160.00  
Erasing tapes and applying labels, switching tapes, cleaning tape  
heads, etc. 10 minutes per day (or more) times 365 days  
times 7.00/hour \$1277.50  
Organizing and storing tapes every 10 days

1 hour times \$7.00 times 36.5 times/year                      \$ 255.50

TOTAL                      \$2169.50

So - the minimums are probably about \$1100 dollars for start-up, and \$2170 a year to record and store tapes, including replacement of worn out equipment. Actual labor costs will be higher since very few staff are on minimum wage (In Vermont, 6.75 now, goes to 7.00 after January 1, 2005.) Also, our 85 year old Big Band host may need help and supervision which would require an extra paid staff member to be present for those 3 hours.

WHAT THIS MEANS TO OUR STATIONS IS:

1. We have to let our young intern/part-time office worker go, even though she knows more about our first (brand-new and not yet totally set up) computer logging system and our new bookkeeping program than anyone else. Our current office/traffic manager hates the idea of changing computers and programs but she has seniority.

2. We cannot buy our first wireless microphone system this year because we would have to put the money into this stuff instead. Which means we will have a harder time competing with the multi-station groups, who LOOK better to the public even though our staff and programming do a lot more for our local communities.

We will also be unable to replace our banners which are over 12 years old, and put call letters on our new (1997) van as we had planned.

3. We will have to deal with complaints and aggravation from the air staff, who will fight the extra work of watching the time and flipping the tapes, and resent that they are being monitored when they have done nothing to deserve that kind of scrutiny. We hire and train professionals because they correct themselves and each other. They are responsible people, and they are not children.

4. As we are always extremely close to the line financially, I will have to spend more time on sales, and cut back on forward planning and paperwork (which I had almost caught up on).

Since I need to spend as much free time as possible with my mother (who is 80 years old and lives 3 hours away) this would also be a personal hardship.

5. We would have to find a place to store these cassettes where they won't be damaged by dampness or other climatic conditions. Our current space is very, very limited.

OTHER OPINIONS AND SUGGESTIONS:

Please note:

There will be some unavoidable breaks when the tape is flipped.

Cassette is not particularly good quality, but reel to reel would be cost-prohibitive and CD recording is more complicated and harder to switch quickly. Also the costs are higher for re-writable CD's.

To the best of my knowledge, we are the only two live stations left in this area, and we are just barely managing to meet the payroll. Most of our customers are small mom and pop businesses, and if we have to raise rates again to cover these costs some will not be able to afford to keep up.

Our 16 years of experience with live radio here is: people are careful about what language they use on the air, and what content they discuss. We have not felt the need to use a delay system except in very special circumstances.

I would also predict that if you decide to require taping of regular programming that "flipping the tape" would become a regular comedy feature on morning shows across the country - as well as on late night talk shows. I would also expect that replays would become more common - cutting back the diversity which now exists.

In lieu of monitoring every station, all the time - I would suggest that you require those about whom you get a certain number of complaints to install and use monitoring equipment as part of their "punishment" for breaking the rules.

I would also suggest you build in a way to check whether you're getting actual complaints, or an organized and paid-for lobbying effort by some group or other.

If a station is really going too far away from community norms, all someone would have to do is sit at home with a cassette recorder - and tape the broadcast.

By the way - I have not yet seen a clear-cut set of rules defining what is acceptable and what is not. If someone is going to systematically go through tapes of our programming, we ought to have an idea of what we're being judged on.

I have been reading in the news that station managers who might not have been careful to monitor their air staff before - are certainly willing to do it now, after the Janet Jackson and Howard Stern incidents. So the problem may already have been solved.

#### CONCLUSION:

It is not fair - or reasonable - to require all radio stations to buy and install equipment, record programming, and store audio records without some evidence of wrongdoing.

Thank you for your attention.

Sincerely,

Judith E. Leech  
Vice President and General Manager  
WVNR-AM and WNYV-FM